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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,384	12/06/2001	Atsushi Fukuzato	05030020AA	5355

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/003,384	Applicant(s) FUKUZATO, ATSUSHI	
	Examiner Joy K. Contee	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date : <u>9/30/05 & 11/4/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new grounds of rejection.

Examiner notes in response to Applicant's argument that Isikoff does not disclose comparing a transferred identification information, Examiner disagrees. Examiner interprets password verification to read on this limitation, since a password is an identification (see Isikoff col.4, lines 53-61). Also, in order for verification to occur there must be a match in a comparison step.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isikoff, U.S. Patent No. 5,748,084, in view of Basquin, US 6,925,560.

Regarding claim 1, Isikoff discloses a method for backing up applications of a portable cellular phone comprising: a step of storing backup application information to be used in said portable cellular phone and identification information used to identify said portable cellular phone in a backup device; a step of transferring, when said

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application information is backed up, said application information with said identification information being added from said backup device to said portable cellular phone; a step of said portable cellular phone comparing the transferred identification information with identification information of said portable cellular phone; and a step of copying said application information only when both of said identification information match each other (reads on access control software which informs computer through password verification than authorized person is removing or upgrading the beacon (col. 3,lines 17-23 and col. 4,lines 39-61).

Isikoff fails to explicitly disclose preventing unauthorized copying of applications of a portable cellular phone.

In a similar field of endeavor, Basquin discloses preventing unauthorized copying of applications of a portable cellular phone (terminal via card) (see col. 2,lines 1-10).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Isikoff to include control of copying applications in SIM card which is used in a cellular phone for the purpose of securing application programs.

Regarding claim 2, Isikoff and Basquin discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein said identification information is a manufacture serial number and/or a telephone number of said portable cellular phone (col. 4,lines 55-57).

Regarding claim 3, Isikoff and Basquin discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein said portable cellular phone performs processing of verifying whether or not said applications

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transferred from said backup device run normally and does not copy said transferred application if said application does not run properly (col. 4, lines 49-52).

Regarding claim 4, Isikoff and Basquini discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein said portable cellular phone stores said application information having undergone the verification processing in said portable cellular phone in an executable format (col. 4, lines 39-61).

Regarding claim 5, Isikoff and Basquini discloses the method for backing up the applications of the portable cellular phone according to claim 3, wherein said portable cellular phone stores said application information having undergone the verification processing in said portable cellular phone in an executable format (col. 4, lines 39-61).

Regarding claim 6, Isikoff and Basquini discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein said portable cellular phone terminates processing when said identification information transferred from said backup device does not match the identification information of said portable cellular phone ((col. 4, lines 39-61).

Regarding claim 7, Isikoff and Basquini discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein said portable cellular phone, when said portable cellular phone uses said application information being stored in said backup device at a time of changing a type of said portable cellular phone, compares said identification information transferred from said backup device with said identification information of said portable cellular phone and copies said

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transferred application information only when both of said identification information match each other(col. 4,lines 39-61).

Regarding claim 8, Isikoff and Basquinl discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein, when data is transmitted and/or received between said portable cellular phone and said backup device, information indicating a mode is added to said data (col. 5,lines 20-34).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson as modified by Isikoff and Basquinl, in view of Frank et al. (Frank), U.S. Patent No. 6,728,547.

Regarding claim 9, Isikoff and Basquinl discloses the method for backing up applications of the portable cellular phone according to claim 1, but fails to explicitly disclose wherein said application is a Java application.

In a similar field of endeavor, Frank discloses downloading a Java application on a SIM card (col. 2,lnes 3-12).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Isikoff and Basquinl to include a Java application to be transferred from SIM to mobile unit since it is well known for the SIM card to have an Java application therein.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

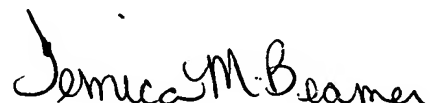
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC


JON K. CONTEE
PATENT EXAMINER


TEMICA BEAMER
PRIMARY EXAMINER